In the High Court of Judicature at Madras

Dated:07.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.582 of 2006

N. Babu Ganesh .. Petitioner

vs.

1.The Superintendent of Police
Mahe
Government of Pondicherry
Mahe.

2.Nalini
3.Shirosh .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. R. Natarajan

For respondent No.1 : Mr. K. Suriyamoorthy for Public Prosecutor (Pondy)

Mr. K. Rajasrinivas for R.3

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner by name Babu Ganesh, has filed this petition seeking direction to respondents 2 and 3 to produce the detenue Shiji KK, his wife, aged about 27 years; minor daughter Nithyasree, aged about 2 ½ years and minor son Rithuvaranan, aged about 6 months, forthwith before this Court and set them at liberty.

2. Pursuant to the direction of this Court, learned Public Prosecutor appearing for the Government of Pondicherry has brought to our notice that the detenue Shiji K.K., appeared before the Sub-

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Inspector of Police, Palloor Police Station and made a statement to the effect that she and her children left her husband in Chennai on her own and there was no inducement or confinement at the instance of any one. She also stated that her husband Babu Ganesh is not a study minded person and always creating problem in the house and in order to relax herself for a few days with her family members, she left from her husband's house. The Sub-Inspector of Police, Palloor Police Station has informed the Public Prosecutor that the above statement of Shiji K.K. was informed to the complainant / petitioner herein, over phone and produced xerox copy of the statement of Shiji K.K.

3. In the light of the statement of the detenue, as rightly pointed out by the learned Public Prosecutor, it is purely a dispute between the petitioner and the detenue, who are none else than husband and wife, we are of the view that no further adjudication is required in this petition.

4. The learned counsel for the petitioner seeks permission to see his children. Respondents 2 and 3 and the detenue Shiji K.K. are directed to permit the peitioner to see his children, as and when he visits. It is also stated by the counsel for petitioner that petitioner's minor daughter Nithyasree is to be given medical treatment for her heart ailment. The detenue, being a mother and respondents 2 and 3 are parents of the detenue, undoubtedly they have to take care of petitioner's minor daughter and if the petitioner offers any assistance either from himself or from any Social Organisation, the same has to be utilised for the welfare of the minor child.

With the above observation, this petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Superintendent of Police
Mahe
Government of Pondicherry
Mahe.

2.The Subordinate Judge, Mahe,
Pondicherry.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Govt. Pleader, Pondicherry Sr 29397

+1cc to Mr.K.Raja Shrinivas, Advocate Sr 29315
+2ccs to Mr.R.Natarajan, Advocate Sr 28166

PLI (CO)
km/11.7.

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